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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,807	09/11/2007	Alex Aleynik		6894

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Alex Aleynik (NYU Student)
8 Esmond Place
Tenafly, NJ 07670

EXAMINER

BALLINGER, MICHAEL ROBERT

ART UNIT	PAPER NUMBER
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3732

MAIL DATE	DELIVERY MODE
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03/01/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/613,807

Applicant(s)

ALEYNIK, ALEX

Examiner

Michael R. Ballinger

Art Unit

3732

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- 1. Upon further review the Notice of Non-Compliant Amendment mailed 14 October 2008 has been vacated.**

Priority

2. The filing date of this application is 11 September 2007. This Applicant is not afforded priority to the previous submissions of 7 July 2003 and 2 December 2003 as they were submitted more than 1 year prior to the non-provisional application. See 35 U.S.C. 119(e).

Specification

3. The disclosure is objected to because of the following informalities: page 2 of the specification references "application number 10/613,807". This is the application number of the instant application and should not be referenced at the first line of the specification.
4. The use of the trademark "Cushion Grip", "Airex-C", and "Lakalum Dentipur HAFT" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.
5. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.
6. Appropriate correction is required.

Drawings

7. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "denture adhesive cream", "solvent", "glass container", "mixture", "plate of the upper denture" and "plate of the lower

denture" must be shown or the feature(s) canceled from the claim(s). Additionally reference numeral should be included in the figures and specification to detail what parts of the drawings correspond to each part of the invention show. No new matter should be entered.

8. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

9. The claims appear on pages 12-14 of the application. The Examiner notes, each claim must begin with a capital letter and end with a period. Periods may not be used elsewhere in the claims except for abbreviations (See MPEP 608.01(m)). Also, if there are several claims, they

shall be numbered consecutively in Arabic numerals. The least restrictive claim should be presented as claim 1, and all dependent claims should be grouped together with the claim or claims to which they refer (See MPEP 608.01(i)). The information presented on the pages titled "claims" (i.e., page 12-14) includes 22 separate sentences. For the purpose of examination on the merits the Examiner has interpreted this as a single claim renumbered "claim 1". However, Applicant is advised in response to this office action proper claim format should be followed (See MPEP 608). Additionally, the claims references to the figures (i.e., "See figure 1." On line 14) should be removed or inserted in parentheses.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. Claim 1 at lines 56 recites "4) Lower denture (denture to be applied to the lower human gum line) 5) Upper denture (denture to be applied to the upper human gum line)". It is unclear to the Examiner what Applicant is attempting to gain coverage for with the use of parentheses. Furthermore, the terms "the lower human gum line" and "the upper human gum line" lack antecedent basis in the claim. The Examiner suggests removing the parentheses from the claim and replacing "the lower" and "the upper" with "a lower" and "a upper" respectively.

13. Claim 1 at lines 12-13 recites "The mixture should be one part denture adhesive with one part solvent by volume." It is unclear to the Examiner, if a one to one ratio of denture adhesive

and solvent is required or simply preferably due to the inclusion of the word "should". For the purpose of examination on the merits the Examiner has interpreted this portion of the claim to only require a mixture of dental adhesive and solvent. If it in fact Applicants intent to claim a mixture with a one to one ratio the Examiner suggest replacing the words "should be" with "is" in the claims. Additionally, there is insufficient antecedent basis for the terms "the mixture" in the claims. Furthermore, it is unclear how "one part denture adhesive" correlates to the "denture adhesive cream" recited above.

14. Claim 1 recites "the upper gum line" at line 14 and "the lower gum line" at line 15. There is insufficient antecedent basis for these terms in the claim.

15. Claim 1, line 16-17 recites "Apply a thin and even layer of the mixture made during step 1 to both sides of the paper liner cut to fit the upper gum line". There is insufficient antecedent basis for "both sides" in the claims.

16. Claim 1, line 18 recites "Insert the mixture coated liner from Step 4 into the plate of the upper denture". There is insufficient antecedent basis in the claims for "the mixture coated liner" and "the plate of the upper denture" in the claims.

17. Claim 1, lines 24-25 recites "This will complete the seal between the upper gum line, mixture coated upper gum line liner, and the plate of the upper denture." There is insufficient antecedent basis for "the seal" and "mixture coated upper gum line liner" in the claims.

18. Claim 1, line 26-27 recites "Apply a thin and even layer of the mixture made during step 1 to both sides of the paper liner cut to fit the lower gum line". There is insufficient antecedent basis for "both sides" in the claims.

19. Claim 1, line 28 recites "Insert the mixture coated liner from Step 4 into the plate of the lower denture". There is insufficient antecedent basis in the claims for "the mixture coated liner" and "the plate of the lower denture" in the claims.

20. Claim 1, lines 34-35 recites "This will complete the seal between the lower gum line, mixture coated lower gum line liner, and the late of the lower denture." There is insufficient antecedent basis for "the seal" and "mixture coated lower gum line liner" in the claims. Furthermore, the Examiner notes that "late" should be replaced with "plate" at line 35.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brand (U.S. 2,557,025).

23. Per claim 1, Brand teaches a method for dental fixation including mixing one part denture adhesive cream (column 3, lines 9-21) with one part solvent (i.e., ethyl acetate, column 3, lines 22-23) and stir thoroughly until the mixture achieves a syrup-like constituency (column 3, line 23-26); cut a paper liner to fit the gum lines (column 3, lines 49-54); apply a thin and even layer of the mixture to the paper liner (column 3, lines 27-34); mount the coated liner on the dentures (column 3, lines 54-65). The Examiner notes, Brand does not explicitly teach the mixing container is a glass. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a glass to mix the denture adhesive and solvent since

the use of glass as a mixing container is well known in the art. Additionally, Brand does not explicitly teach cutting and applying the liners to both upper and lower dentures. However, one having ordinary skill in the art would recognize the method of Brand is equally suitable for upper and lower denture mounting. Finally, Brand does not explicitly teach strongly pressing the upper and lower dentures into the upper and lower gum lines or biting down firmly to complete the seals. However, such steps are well known in the art of denture application and as such. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Brand to include these steps to more securely attach each respective denture to there respective gum lines.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: See PTO-892 form.
25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Ballinger whose telephone number is (571)270-5567. The examiner can normally be reached on Monday thru Friday 8:00 AM to 5:00 PM.
26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris L. Rodriguez can be reached on (571)272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael R Ballinger/
Examiner, Art Unit 3732

/Cris L. Rodriguez/
Supervisory Patent Examiner, Art Unit 3732